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(SPACE BELOW FOR FILING STAMP ONLY)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS B. GAINES, a deceased minor  
child by and through his personal  
representative(s) and/or successor(s) in  
interest; DIANA L. GAINES, individually, as  
Executor of the Estate of Thomas B. Gaines,  
and as Thomas B. Gaines' personal  
representative and successor in interest;  
GARY D. GAINES, as individually and as  
Thomas B. Gaines' personal representative  
and successor of interest; and THE ESTATE  
OF THOMAS B. GAINES,

Plaintiffs,

vs.

JOHNSON & JOHNSON, a New Jersey  
corporation; MCNEIL CONSUMER &  
SPECIALTY PHARMACEUTICALS, a  
Division of MCNEIL-PPC, INC., a New  
Jersey corporation; MCKESSON  
CORPORATION, a Delaware corporation;  
WAL-MART STORES, INC., a Delaware  
corporation; and DOES 1 through 100,  
inclusive,

Defendants.

CASE NO. 3:07-cv-05503.EMC  
(formerly CGC -06-457600)

**[PROPOSED] ORDER RE  
PLAINTIFF'S MOTION TO  
REMAND**

MAGISTRATE JUDGE EDWARD  
M. CHEN

Complaint Filed: November 3, 2006

**ORDER**

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

On January 30, 2008 in the above entitled Court, Plaintiffs' Motion to Remand was heard. Having considered the papers submitted by the parties and having considered the arguments of the parties in connection with Plaintiffs' Motion to Remand, the Court finding good cause hereby issues the following Order:

1. Plaintiff's Motion to Remand is GRANTED.

2. The matter of Thomas Gaines et al v. Johnson and Johnson et al. is hereby remanded back to Superior Court of San Francisco.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2008

\_\_\_\_\_  
Hon. Edward Chen  
Judge of United States District Court

PROOF OF SERVICE  
(C.C.P. 1013A, 2015.5)

**STATE OF CALIFORNIA**

I am employed in the county of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 100 Wilshire Boulevard, 21st Floor, Santa Monica, California 90401.

On **November 28, 2007** I served the foregoing document, described as

**[PROPOSED] ORDER RE PLAINTIFF'S MOTION TO REMAND**

on the interested parties in this action

X by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

\_\_\_ by placing \_\_\_ the original \_\_\_ a true copy enclosed in sealed envelopes addressed as follows:

X BY MAIL.

\_\_\_ I deposited such envelope in the mail at Santa Monica, California. The envelope was mailed with postage thereon fully prepaid.

X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Monica, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on **November 28, 2007** at Santa Monica, California.

\_\_\_ **BY PERSONAL SERVICE.** I delivered such envelope by hand to the offices of the addressee.

\_\_\_ **BY FACSIMILE.** I faxed a copy of the above-described document to the interested parties as set forth [above/on the attached mailing list].

Executed on **November 28, 2007** at Santa Monica, California.

X **(FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Michelle Leslie  
Name

  
Signature

***GAINES v. JOHNSON & JOHNSON, et al.***  
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